

REMARKS

Claims 1-43 are pending in the Application. Reconsideration is respectfully requested.

Request For Acknowledgment Of Provisional Application

This application claims the benefit of U.S. Provisional Application No. 60/210,849 filed June 9, 2000. Acknowledgment thereof is respectfully requested.

35 U.S.C. § 103(a) Rejections

The 35 U.S.C. § 103(a) rejections are respectfully traversed.

Gromley is disqualified as prior art

The present application claims benefit to Provisional Application 60/210,849 filed June 9, 2000. Gromley (U.S. Patent No. 6,146,057) has an issue date of November 14, 2000.

Gromley also has a filing date of June 25, 1998 for purposes of 35 U.S.C. § 102(e). However, the present application and Gromley were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same company.

In accordance with MPEP § 706.02(I)(2)(II) Applicants have shown sufficient evidence that, in accordance with 35 U.S.C. § 103(c), Gromley cannot preclude patentability of the present invention. Thus, Applicants respectfully submit that Gromley is disqualified as prior art in relation to the present invention with regard to 35 U.S.C. § 103(a).

Applicants "may overcome a 35 U.S.C. § 103 rejection based on a combination of references by showing completion of the invention by applicant prior to the effective date of any

of the references" (MPEP § 715.02). Therefore, the rejections involving Gromley are not valid. All of the 35 U.S.C. § 103(a) rejections involve Gromley. For these reasons it is respectfully submitted that the 35 U.S.C. § 103 rejections should be withdrawn.

Conclusion

Each of Applicants' pending claims specifically recites features, relationships, and/or steps that are neither disclosed nor suggested in any of the applied prior art. Furthermore, the applied prior art is devoid of any such teaching, suggestion, or motivation for combining features of the applied prior art so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
WALKER & JOCKE
231 South Broadway
Medina, Ohio 44256
(330) 721-0000